

File
FILED

JUL 17 2006

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

4 06CV01064CEJ

UNITED STATES OF AMERICA,

Plaintiff,

v.

BETONSPORTS PLC,

Defendant.

No.

FILED UNDER SEAL

**Declaration and Certification of U.S.
Counsel pursuant to Fed.R.Civ.P. 65(b)
in Support of *Ex Parte* Restraining Order**

I, Marty Woelfle, declare as follows:

1. I am a Trial Attorney for the Organized Crime and Racketeering Section of the Department of Justice, assigned to the above-entitled case.

2. The United States has not attempted to notify the defendant of its Motion for *Ex Parte* Temporary Restraining Order ("TRO") and other motions filed contemporaneously therewith, nor should such notice be given, for the following reasons:

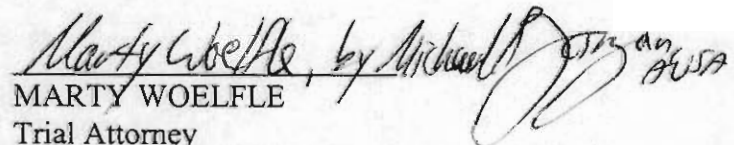
A. An Affidavit of Detective Brian Mize establishes that the United States has probable cause to believe that the defendant has engaged in, and/or continues to engage in, the operation of an illegal gambling business in the United States. The United States also has probable cause to believe that the defendant has conspired to defraud and has defrauded tens of thousands of residents of the United States nationwide by conducting a fraudulent scheme in violation of federal mail and wire fraud statutes.

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- B. Based upon the Affidavit of Detective Brian Mize, there is probable cause to believe that the fraud perpetrated by the defendant will continue, absent an order that will prevent the defendant, its employees, managers and agents, from altering access parameters to the Internet web sites it operates and/or controls.
- C. Based upon the Affidavit of Detective Brian Mize, there is probable cause to believe that immediate and irreparable damage to the Court's ability to achieve effective final relief on behalf of the United States and its residents will occur from changes to Internet domains owned and/or operated by the defendant, if the defendant is notified of the United States' Motion for a TRO prior to a hearing hereon.
- D. Accordingly, the United States respectfully submits that it is in the interest of justice and the public interest that its Motion for a TRO be heard *ex parte*, without notice to the defendant.

Pursuant to 28 U.S.C. § 1746, I declare that the foregoing is true and correct to the best of my knowledge.

Dated: 7/17/07


MARTY WOELFLE
Trial Attorney
Organized Crime & Racketeering Section